

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IN RE:	:	
	:	Case No. 11-65226-pwb
Hugh Doyle Teems, Jr.,	:	
	:	Chapter 7
Debtor.	:	
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Martha A. Miller, as Chapter 7 Trustee,	:	
	:	
Movant,	:	
	:	
vs.	:	Contested Matter
	:	
Hugh Doyle Teems, Jr.,	:	
	:	
Respondent.	:	

**MOTION FOR TURNOVER**

NOW COMES, Martha A. Miller, Chapter 7 Trustee, by and through her undersigned attorney, and hereby files this Motion for Turnover pursuant to §§ 541 and 542 of the Bankruptcy Code. In support thereof, Movant states as follows:

1.

Debtor, Hugh Doyle Teems, Jr., filed a voluntary Chapter 7 Petition on May 23, 2011. Movant was appointed interim trustee and became the case trustee upon the conclusion of the meeting of creditors conducted on June 27, 2011.

2.

In response to a 2004 Motion, filed by Movant on August 23, 2011, Debtor produced a copy of a life insurance policy with AVIVA Life and Annuity Company ("AVIVA"), and a copy of a life insurance policy with American General Life and Accident Insurance Company ("AG").

3.

According to Debtor, the AVIVA policy has a cash surrender value of \$12,888.21.

4.

According to Debtor, the AG policy has a cash surrender value of \$18,149.19 (collectively, the "Life Insurance Policies").

5.

The Trustee requests turnover of the total cash value of \$31,037.40 of the Life Insurance Policies. The Trustee requests the Court enter an order that requires the Debtor to turnover to the Trustee the funds referenced herein instantner.

6.

11 U.S.C. § 542(a) requires a entity, including a debtor, with custody or control of property of the Bankruptcy Estate to turnover such property to the trustee. Such entity must also account for such property or the value of such property unless such property is of inconsequential value or benefit to the estate.

7.

Pursuant to 11 U.S.C. § 521, debtors in bankruptcy are required to perform certain duties. These duties include full cooperation with the Trustee. In this case, Movant has made demand for turnover without response.

**WHEREFORE**, the Trustee respectfully requests that the Court order as follows:

- (a) direct the Debtor to turnover to the Trustee \$31,037.40 instantner; and
- (b) for such other and further relief as justice and equity may require.

This 13th day of October, 2011.



Martha A. Miller

Trustee

Georgia Bar No. 507950

Martha A. Miller, P.C.  
2415 International Tower  
229 Peachtree Street, NE  
Atlanta, Georgia 30303  
(404) 607-9008  
(404) 607-9068 (facsimile)  
[mmiller@rbsp.org](mailto:mmiller@rbsp.org)

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	:	
Respondent.	:	

**NOTICE OF HEARING**

Notice is hereby given that on October 13, 2011, Trustee's Motion for Turnover was filed with the Court.

In the Motion, Trustee seeks an Order authorizing the Debtor Hugh Doyle Teems to turnover cash values of Life Insurance Policies in the total amount of \$31,037.40.

The Motion is available for review in the Clerk's office, United States Bankruptcy Court, during normal business hours or online at <http://ecf.ganb.uscourts.gov/> (registered users) or at <http://pacer/psc.uscourts.gov/> (unregistered users).

A hearing will be held on the Motion in Courtroom 1401, United States Courthouse, 75 Spring Street, S.W., Atlanta, Georgia 30303, at **10:00 a.m. on November 8, 2011.**

Your rights may be affected by the court's ruling on the Motion. You should read the Motion carefully and discuss it with your attorney, if you have one in this bankruptcy case. (If

you do not have an attorney, you may wish to consult one.) If you do not want the Court to grant the relief sought in the Motion or if you want the court to consider your views, then you and/or your attorney must attend the hearing. You may also file a written response to the pleading with the Clerk at the address stated below, but you are not required to do so. If you file a written response, you must attach a certificate stating when, how and on whom (including addressed) you served the response. Mail or delivery your response so that it is received by the Clerk no later than **November 3, 2011**. The address of the Clerk's Office is: Clerk, U.S. Bankruptcy Court, Suite 1340, 75 Spring Street, S.W., Atlanta, Georgia 30303. You must also mail a copy of your response to the undersigned at the address stated below.

This 13th day of October, 2011.

/s/ Martha A. Miller  
Martha A. Miller  
Georgia Bar No. 507950

2415 International Tower  
229 Peachtree Street, NE  
Atlanta, Georgia 30303  
(404) 607-9008  
(404) 607-9068 (facsimile)

**CERTIFICATE OF SERVICE**

This is to certify that I have this date served a copy of the foregoing **MOTION FOR TURNOVER and NOTICE OF HEARING** by depositing the same in the United States mail, postage prepaid and addressed as follows:

Office of the United States Trustee  
362 United States Courthouse  
75 Spring Street, SW  
Atlanta, Georgia 30303

Rob Rickman, Esq.  
Rickman & Blevins, PC  
191 Roswell Street  
Marietta, Georgia 30060

Hugh Doyle Teems, Jr.  
525 Waterside Court  
Canton, Georgia 30114

This 13th day of October, 2011.

/s/ Martha A. Miller  
Martha A. Miller  
Georgia Bar No. 507950  
Counsel for Trustee

2415 International Tower  
229 Peachtree Street, NE  
Atlanta, Georgia 30303  
(404) 607-9008  
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